

REMARKS**I. Status of the Claims:**

Claims 1-53 are currently pending.

II. Claim to Convention Priority:

Applicants would like to note that a Request for Acknowledgement of Claim to Convention Priority was recently filed on February 20, 2004. Acknowledgement of the Priority claim is respectfully requested.

III. Rejection Under 35 U.S.C. §§102 and 103:

Claims 51-53 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hawkins et al. (U.S. Patent No. 6,005,561). Claims 1-53 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Acosta et al. (U.S. Patent No. 6,166,729), in view of Hawkins et al. (U.S. Patent No. 6,005,561). Applicants respectfully disagree with these rejections for the following reasons.

1. Claims 51-53:

Claims 51-53 are directed to arrangements involving an image receiving apparatus receiving an image picked up by a connected camera and advertisement that is different from the image from an image providing apparatus. The arrangements involve displaying the advertisement which is provided in advance in response to accessing the image providing apparatus until the image picked up by the connected camera is provided; and

switching the display of the advertisement to a display of the image picked up by the connected camera in response to receiving of the image picked up by the connected camera.

That is, (1) the advertisement (provided in advance) is displayed in response to accessing the image providing apparatus and such display occurs until the image picked up by the connected camera is provided; and (2) the display of the advertisement is switched to a display of the image picked up by the connected camera in response to receiving of the image picked up by the connected camera.

On the contrary, Hawkins simply discusses a broadband network having a head-end broadcasting server 20 providing transmission to plurality of video switches 24 and nodes 26 (which may serve 200 to 2,000 homes). In a barker mode, the server 20 would broadcast at the head-end a variety of media (e.g., media objects) including advertisement for display to a user. In particular, when Hawkins is read as a whole, it is apparent that “insertion” discussed therein refers to the server 20 broadcasting media objects including advertisement objects, and the video switches 24 simply routing the broadcast signal to the nodes and accordingly the corresponding homes. Hawkins is simply silent as to the above-noted features, particularly at least as to the conditional aspects noted above, e.g., “in response to” and “until”. The Examiner also does not adequately address these issues in the Office Action. See Office Action, page 3.

In view of the foregoing, claims 51-53 are neither anticipated by Hawkins nor rendered obvious by the same. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

As to the Examiner’s 103 rejection of claims 51-53, this appears to be an inadvertent typographical error in the Office Action. The section in the Office Action addressing

the 103 rejection does not include any substantive basis or discussions for rejecting claims 51-53 and ends with discussions concerning claim 50 on pages 15-16. As such, reconsideration and withdrawal of the 103 rejection of these claims are respectfully requested.

2. Claims 1-50:

Claim 1 is directed to an image down-loading apparatus capable of down-loading an image to a plurality of clients via internet. The apparatus includes (1) a switch adapted to switch between a first output device which outputs an image and a second output device which outputs an advertisement that is different from an image picked up by a connected camera; and (2) a switch controller adapted to control the switch. The switch controller controls the switch so as to select the second output device for a first predetermined period after the first output device is selected for a second predetermined period, such that the advertisement is inserted into the image output from the first output device.

^ | In other words, as claimed, insertion of advertisement from the second output device into the image output from the first output device is performed vis-à-vis a switching operation between the first and second output devices.

On the contrary, although COVMS 16 of Acosta receives images from different cameras, the COVMS 16 processes the images and then transfers them to the storage facility for archive, to the World Wide Web 18, and to dedicated connections with the COVMS 16 of certain users, if any. There is nothing in Acosta which discloses or suggests any “insertion” of output, for example, from one camera to the output of another camera vis-à-vis a switching operation between two camera outputs. Thus, Acosta is silent as to the above-identified insertion approach

vis-à-vis a switching operation between the first and second output devices. Hawkins does not remedy these deficiencies in Acosta.

Hawkins simply discusses a broadband network having a head-end broadcasting server 20 providing transmission to plurality of video switches 24 and nodes 26 (which may serve 200 to 2,000 homes). In a barker mode, the server 20 would broadcast at the head-end a variety of media (e.g., media objects) including advertisement for display to a user. In particular, when Hawkins is read as a whole, it is apparent that “insertion” discussed therein refers to the server 20 broadcasting media objects including advertisement objects, and the video switches 24 simply routing the broadcast signal to the nodes and accordingly the corresponding homes. Thus, Hawkins is also silent as to the above-identified insertion approach vis-à-vis a switching operation between the first and second output devices.

Further, the Examiner’s motivational basis is based on a flawed assertion, namely that Hawkins teaches a technique in providing ad or advertisements or commercial messages inserted to users/clients after the stream has been broadcast from sources such as from live programming. See Office Action, page 5. The Examiner’s rationale mischaracterizes Hawkins system. As noted above, in Hawkins, the broadcast by server 20 would simply include advertising media objects. There is nothing in Hawkins to suggest any insertion being performed downstream from the server 20, such as by the video switch 24.

In view of the foregoing, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination. For similar reasons, claims 13, 28 and 43 and their dependent claims are also believed to be distinguishable over the cited references, individually or in combination.

3. Dependent Claims:

In addition to those reasons discussed above, the dependent claims are also further distinguishable over the cited references.

For example, claim 3 further recites that the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, and the switch controller controls the switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group.

The Examiner alleges that a discrimination unit and the operation of the switch controller of this claim is taught in Acosta. Applicants respectfully disagree. The permission groups described in Acosta define which camera elements that user computer may access. This implies that the user computer spontaneously selects an image/images to acquire by accessing to a camera element/elements, and that changeover between camera elements is performed when the user computer accesses to another camera element.

The switch, as claimed in claim 3, is different than Acosta. According to the present application, depending upon the discrimination result (not depending upon an access by a client to another camera element), the switch controller controls the switch (1) to select the first output device to continuously provide an image from the first output device or (2) to select both of the first and second output devices and sequentially provide the images from the first and second output devices.

In contrast, the COVM 16 of Acosta does not provide an image from the first output device because the user computer belongs to, for instance, level A. Hawkins does not remedy the deficiencies in the Acosta teachings.

Accordingly, claim 3 further distinguishes over the cited references, individually or in combination. For similar reasons, claims 6, 9, 18, 21, 24, 33, 36 and 39 are also further distinguishable over the cited references.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

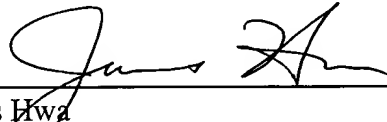
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: 3/10/04

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